

Mr. Arnold Jublon, Zoning Commissioner

Exements on Item # 219 Zoning Advisory Committee Meeting are as follows:

All structures shall conform to the Baltimore County Ruilding Code as adopted by Council Bill \$17.85, the Maryland Code for the Handicapped and Aged (A.H.S.I. #117-1 = 1930) and other applicable Codes and Standards

(B.) A building and other miscellaneous permits shall be required before the start of any construction . Residential: Two sets of construction drawings are required to file a parmit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings scaled and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced scale are not acceptable.

January 5, 1987

Re: ZAC Meeting of 12-23-86

line of East Avenue

Area: 2.10 acres

Property Owner: Barbara A.

Location: E/S Harford Road,

Existing Zoning: B.M. - CS2

the allowed 100 square feet

Proposed Zoning: Variance to

Route 147, 205 feet N of center-

permit a total sign square footage

of 194.00 square feet in lieu of

District: 11th Election District

ITEM: #249.

Griffith

Charl

Access Permits

Charles Lee, Chief

By: George Wittman

Bureau of Engineering

B. All Use Groups except R-L Single Family Detached Deallings require a minisum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. B-L Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 501, Section 1507, Section 1506.2 and Table 1502. Be openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department

G. The requested variance appears to conflict with Section(s) _______ of the Beltisore

H. When filing for a required Change of Une/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing etructure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer reeals are usually required. The change of Use Groups are from Use to Use or to Mixed Uses.

I. The proposed project appears to be located in a Flood Plain, Tidel/Riverine. Please see the attached copy of Section 516.0 of the building Code as adopted by Bill #17-85. Sits plans shall show the correct alwantons above see level for the lot and the finish floor levels including basement. Signs shall comply to Article 19 and its amendments in Council Bill # 17-85

E. These abbreviated community reflect only on the information provided by the drawings submitted to the Office DI: C. E. Burnham, Driet

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David Fields, Acting Chief Currer: Planning and Development

development on these soils is prohibited.

)Additional comments:

_ cc: James Hoswell

)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Planning Board

)Landscaping: Must comply with Baltimore County Landscape Manual.)The property is located in a deficient service area as defined by

Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change

traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

MSF:1t

LAW OFFICES

Kaplan, Heynan, Greenberg, Engelman & Belgrad, P.A. TENTH FLOOR-SUN LIFE BUILDING 20 SOUTH CHARLES STREET BALTIMORE, MARYLAND 21201 (30) 539-6967

DEC 29 1988

December 24, 1986

Arnold Jablon, Esquire Zoning Commissioner, Baltimore County County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Petition for Zoning Variance 9219 Harford Road Griffith Hyundai, Inc./Griffith

Please be advised that this firm represents the Petitioner, Griffith Hyundai, Inc., in the above matter. I respectfully request that an early hearing be scheduled in this matter.

Thank you for your consideration.

Starley & Fine

SSF:bmh

the Zoning Regulations.

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Dear Mr. Jablon:

CHARLES B. HEYMAN

MANNES F. GREENBERG

WILLIAM H. ENGELMAN

HERBERT J. BELGRAD EDWARD F. SHEA, JR.

THEODORE S. MILLER

MARK D. DOPKIN STANLEY S. FINE

SEARLE E. MITHICA

KENNETH P. NIMAN JOHN PHILIP MILLER

LOWELL G. HERMAN HARRIET E. COOPERMA DANIEL S. KATZ

MICHAEL S. BERMAN

STEVEN R. FREEMAN

BARBARA J. ENGLISH

BARRY WEISKOPF CHRIS A. OWENS

WILLIAM D. SHAUGHNESSY, JR THOMAS D. WOLFE

> PETITION FOR ZONING VARIANCE 7 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section _413.2 f. to permit a total sign square footage of 194_00 square feet in lieu of the allowed 100 square feet (9219 Harford Road).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. That without the requested variance, Petitioner will sustain practical difficulty and unreasonable hardship relating to the business at the property. 2. The requested variance will not harm the public health, safety and general welfare of the area, and it is in accordance with the spirit and intent of

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this Petition. ÖĞAĞAZAX Lessee: Legal Owner(s): Griffith Hyundai, Inc. Barbara A. Griffith (Type or Print Name) 9219 Harford Road (Type or Print Name) 2 Baltimore, Maryland 21234 Attorney for Petitioner: Kaplan, Heyman, Greenberg, Engelman & Belgrad By: Stanley S. Fine .___329-6380 N 33790 ___2642 Mt._Carmel Road (Type or Print Name) Phone No. E 24,635 Parkton, Maryland 21120 City and State 20 S. Charles Street. JOth Floor Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, Maryland 21201 Barbara A. Griffith City and State Attorney's Telephone No.: 539-6967 same as above

ORDERED By The Zoning Commissioner of Baltimore County, this of _______, 19_87, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

IN RE: PETITION ZONING VARIANCE BEFORE THE E/S of Harford Road, 205' N of the centerline of East ZONING COMMISSIONER Avenue (9219 Harford Road) -11th Election District OF BALTIMORE COUNTY

> Barbara A. Griffith, Case No. 87-366-A

> > * * * * * * * * * *

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a business sign totaling 194 square feet in lieu of the permitted 100 square feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Fred Anderson, General Manager for Griffith Hyundai, Inc., the Lessee, appeared and testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, zoned B.M. and located on Harford Road approximately one block north of I-695, is improved with the Lessee's new car dealership. The dealership, which opened in December, 1986, replaced an existing restaurant and warehouse. It has one business sign, 50 square feet per side, which it wants to replace with a larger sign, 97 square feet per side. The unusual topography of the property, as exhibited by the site plan, together with its location on Harford Road, places the identification of the new car dealership representing a new manufacturer in a difficult position. The high speed traffic patterns of Harford Road, with its myriad of signage, causes a difficult recognition factor for the Lessee. The larger sign will provide easier identification and permit the Lessee to compete with other businesses in the area.

The Petitioner seeks relief from Section 413.2.f, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The request presented here places the Petitioner in the middle of a controversy existing between the Zoning Commissioner and the Board of Appeals of Balcimore County (Board). The Zoning Commissioner has interpreted Section 413.2.f to require the computation of both or all sides of a multi-faced sign. The Board has held that the computation should involve only one side. The difference in interpretation is significant here. Under the Board's point of view, a variance would not be required; under the Zoning Commissioner's point of view, a variance is necessary. The issue is now before the Court of Special Appeals for resolution. Notwithstanding this difference in interpretation, the Lessee has met its burden of proof for a variance to be granted. However, it would be manifestly unfair to deny the requested variance inasmuch as the Lessee is requesting a sign with less than 100 square feet per side.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief;
- 3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

this ______day of March, 1987, that the Petition for Zoning Variance to permit a business sign totaling 194 square feet in lieu of the permitted 100 square feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, ing, said property to its original condition.
- 2. All temporary signs must be removed immediately.

AJ/srl

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PETITION FOR ZONING VARIANCE

11th Election District

Case No. 87-366-A

LOCATION:

East Side of Harford Road, 205 feet North of the Centerline of

Fast Avenue (9219 Harford Road)

Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a sign with a total square footage of 194.00 square feet in lieu of the permitted 100 square feet

Being the property of <u>Barbara A. Griffith</u> plan filed with the Zoning Office. as shown on plat

within the thirty (30) day appeal period. The Zoning Commissioner will, novever, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> ZONING COMMISSIONER OF BALTIMORE COUNTY

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HEA7 109 14:514

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ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

BEGINNING for the first for the same at a point in the last or South 53 degrees East 92 3/4 perches line of a parcel of land which by a Deed dated March 24, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1653, folio 57 was conveyed by Carl F. Weber and Frances M. Weber, his wife to the Weber Storage Company Incorporated, said point also being at the end of the third or North 41 degrees 42 minutes East 142.94 foot line of a parcel the third or North 41 degrees 42 minutes East 142.94 foot line of a parcel of land which by a Deed dated January 25, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2954, folio 452 was conveyed by Weber Storage Company Incorporated to Harford Warehouse Corporation and running thence and binding reversely on said third line, South 41 degrees 42 minutes West 142.73 feet to the beginning of said third line and to intersect the second line of the first herein mentioned parcel of land which was conveyed by Carl F. Weber and wife to the Weber Storage Company Incorporated, thence running with Weber and wife to the Weber Storage Company Incorporated, thence running with and binding on a part of said second line, North 48 degrees 41 minutes West 641.40 feet to intersect the southeast side of Harford Road, 60 feet wide, thence binding on the southeast side of Harford Road, 60 feet wide, North 41 degrees 59 minutes East 142.75 feet to intersect the last line of the first herein mentioned parcel of land which was conveyed by Carl F. Weber and wife to the Weber Storage Company Incorporated and thence running and binding on a part of said last line, South 48 degrees 41 minutes East 640.70 feet to the place of beginning.

Containing 2.10 Acres of land more or less.

BEING same Confirmatory Deed dated December 30, 1981 and recorded among the Land Records of Baltimore County in Liber EIKJr., No. 6358, folio 381 was granted, conveyed and confirmed by WEBER STOPAGE COMPANY, INC. unto ROBERT W.

BEING located at the east side of Harford Road 60 feet wide, at the distance of 205 feet north of the centerline of East Avenue. Also known us 9219 Harford Road in the 11th Election District.

cc: Stanley S. Fine, Esquire

People's Counsel

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Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,

1. The Petitioner may apply for her sign permit and

this Order is reversed, the Petitioner would be required to return, and be responsible for return-

- 3 -

Monday, March 16, 1987, at 10:15 a.m. DATE AND TIME: PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

In the event that this Petition(s) is granted, a building permit may be issued

BY ORDER OF ARNOLD JABLON

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RE: PETITION FOR VARIANCE L/S of Harford Rd., 205' N of

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

C/L of East Ave. (9219 Harford : Rd.), 11th District-

BARBARA A. GRIFFITH, Petitioner

Case No. 87-366-A

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Fhyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 13th day of February, 1987, a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esquire, Kaplan, Heyman, Greenberg, Engelman & Belgrad, 20 S. Charles St., 10th Floor, Baltimore, MD 21201, Attorney for Petitioner.

ZONN OFFICE

DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
OWSON, MARYLAND 21204
194-3353 ARNOLD JABLON ZONING COMMISSIONER

March 10, 1987

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

e County, Maryland, and remit

ding, Towson, Maryland

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Belgrad 20 South Charles Street, 10th Floor Baltimore, Maryland 21201

> RE: PETITION FOR ZONING VARIANCE E/S of Harford Rd., 205' N of the c/1 of East Ave. (9219 Harford Rd.) 11th Election District - 6th Councilmanic District Barbara A. Griffith - Petitioner Case No. 87-366-A

Dear Mr. Fine:

This is to advise you that \$83.74 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do <u>not</u> remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

R-01-615-000 Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., 10th Floor, Sun Life

ADVERTISING & POSTING COSTS RE CASE #87-366-A

B B011******8374:a 8165f

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION TOWSON, MD., February 25 1987 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper. printed Road)
DATE AND TRIE: Monday, March
1, 1957, at 10:15 a.m.
PUBLIC HEARING: Room 105,
County Office Building, ,11 W Cheeapealle Avenue, Towson, Maryland and published in Towson, Baltimore County, Md., appearing on February 25 , 19 87 Pention for Zoning Venence to permit a sign with a total square footage of 194 00 square feet in feet of the permitted 100 square TOWSON TIMES, lest Being the property of Barbera A. Griffith, as shown on plat pear fied with the Zoning Office. In the avent that this Patition(s) is Gusan Senders Obrest In the sweet that the Pesson(s) as granted, is building permit may be sessed within the burly (30) day appeal period. The Zonting Commissioner will, however, entertian any request for a stay of the sessione of said permit thang the period for good cause shown. Such request study to received in writing by the date of the heaving set above or made at the beauting.

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 87-366-A

Date of Posting 2/27/87 Petitioner: Boxbore 1. 67: FF. Th Location of property: Els Horford Rd - 205' N/Fost Arm 9719 Horford Rd

Location of Signs: Facing Horford Rd. conver 20" Fr. You of Way on proporty of Policing

Posted by Date of return: 2/77/87

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January 30, 1987

E/S of Harford Rd., 205' N of the c/1 of East Ave. (9219 Harford Rd.)

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

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Baltimore, Maryland 21201

Stanley S. Fine, Esquire Januar Kaplan, Heyman, Greenberg, Engleman & Belgrad 20 South Charles Street, 10th Floor

10:15 a.m.

Avenue, Towson, Maryland

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE

Barbara A. Griffith - Petitioner

11th Election District

PLACE: Room 106, County Office Building, 111 West Chesapeake

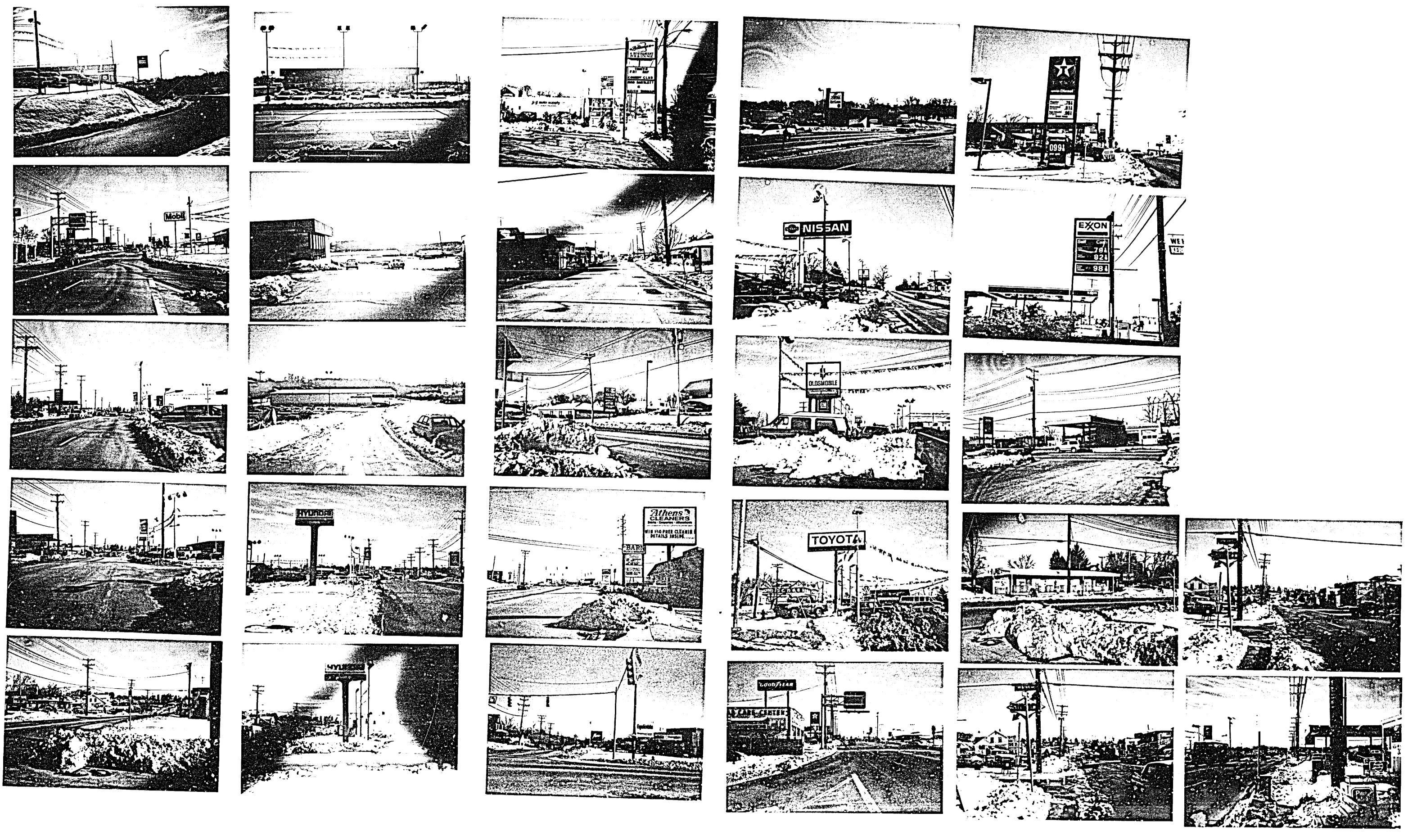
Case No. 87-366-A

Monday, March 16, 1987

. 8 Blas****10000:a 21526

CERTIFICATE OF PUBLICATION

February 26



11-19-34

